UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

RICKY R. BRYAN]	
Petitioner,]	
]	
v.]	No. 3:07-0371
]	Judge Trauger
CHERRY LINDAMOOD, WARDEN]	
Respondent.]	

ORDER

In accordance with the Memorandum contemporaneously entered, the Court finds that the petitioner has failed to state a claim upon which habeas corpus relief can be granted.

Accordingly, the petition (Docket Entry No. 1) is DENIED and this action is hereby DISMISSED. Rule 8(a), Rules -- § 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner has been unable to make a substantial showing of the denial of a constitutional right.

Entry of this order shall constitute the final judgment in this action.

It is so ORDERED.

Aleta A. Trauger /

United States District Judge